

**IN THE UNITED STATES DISTRICT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ALICIA SEPULVEDA,  
Plaintiff**

**V.**

**SKECHERS USA RETAIL, LLC and  
SKECHERS USA, INC.,  
Defendants.**

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**C.A. NO. 5:20-cv-00915**

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Now come SKECHERS USA RETAIL, LLC and SKECHERS USA, INC., Defendants in the above-styled and numbered action, originally pending in the 408<sup>th</sup> Judicial District Court of Bexar County, Texas, and pursuant to the terms and provisions of 28 U.S.C. §1441 and 1446, hereby respectfully file this Notice of Removal of said cause to the United States District Court for the Western District of Texas, San Antonio Division, and as grounds therefore would respectfully show unto the Court as follows:

**I.**

This action was originally commenced in the 408<sup>th</sup> Judicial District Court of Bexar County, Texas on the 3<sup>rd</sup> day of June, 2020, by the filing of Plaintiff's Original Petition. On the date of the filing of this action, and at all times thereafter, up to and including the present, Alice Sepulveda was and is a citizen of the State of Texas.

**II.**

In her Petition, Plaintiff alleges that she was injured on or about June 25, 2018 when she was involved in an alleged slip and fall in Bexar County, Texas.

### III.

Plaintiff's brought this lawsuit against:

- (1) Skechers USA Retail, LLC which is a Delaware Limited Liability company with its principal place of business in the State of California. The only member of that LLC is Skechers USA, Inc. which is incorporated in the State of Delaware and has its principal place of business in the State of California.
- (2) Skechers USA, Inc. is incorporated in the State of Delaware and has its principal place of business in the State of California.
- (3) Complete diversity of citizenship exists in this case at the time of the filing of the lawsuit and at the time of this removal.

### IV.

A copy of the Docket Sheet and file, including all process, pleadings and Orders filed or served in this matter, is being filed simultaneously herewith.

### V.

This Court has original subject matter jurisdiction under section 28 U.S.C. §1332 because the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and complete diversity of citizenship exists between the parties and removal is proper.

### VI.

Plaintiff's Original Petition filed in the state court seeks damages of "over \$200,000.00 but not more than \$1,000,000.00". It is evident on the face of the pleadings that the amount in controversy exceeds the \$75,000.00 minimum jurisdictional limits of the United States District Court, exclusive of interest and costs.

VII.

This Removal is timely filed, as thirty days have not elapsed since the service of process on either defendant and this case has not been on file for more than one year.

VIII.

Pursuant to 28 U.S.C. §1441(a), venue of the removed action is proper in this Court as the District and division embrace Bexar County, Texas, where the action is currently pending.

VIX.

The Plaintiff has made a jury demand in the State District Court. These Defendants likewise demand a jury trial.

VX.

Defendants have provided prompt notice of this Removal by simultaneously filing a copy of this Notice of Removal with the clerk of Bexar County, Texas as required by 28 U.S.C. 1446(b).

VXI.

Attached hereto is Exhibit A is Defendants' Index of State Court Documents. A copy of the Docket Sheet of the State Court action is attached hereto as Exhibit B. Pursuant to 28 U.S.C. 1446(a), a copy of the Court's file in the State Court action, including all process, pleadings and Orders served upon either Defendant is attached hereto as Exhibit C and is incorporated herein by reference. These Defendants have tendered the appropriate filing fee for Removal to the Clerk of the United States District Court for the Western District of Texas.

WHEREFORE, PREMISES CONSIDERED, SKECHERS USA RETAIL, LLC and SKECHERS USA, INC. respectfully pray that this action now pending against it be removed from the 408<sup>th</sup> Judicial Court of Bexar County, Texas to this Honorable Court for trial and determination of all issues.

Respectfully submitted,

Naman, Howell, Smith & Lee, PLLC  
10001 Reunion Place, Suite 600  
San Antonio, Texas 78216  
Direct Line: (210) 731-6309  
Direct Fax: (210) 785-2909

By: /s/ J. Michael Myers

J. Michael Myers  
State Bar No. 14760800  
Federal Bar No. 15110  
E-mail: [mmyers@namanhowell.com](mailto:mmyers@namanhowell.com)  
**ATTORNEYS FOR DEFENDANTS,  
SKECHERS USA RETAIL, LLC and  
SKECHERS USA, INC.**

#### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was forwarded to Plaintiff's counsel on this 6<sup>th</sup> day of August, 2020:

Chase Butler  
Calfas Law Group, PLLC  
310 S. Saint Mary's Street  
24<sup>th</sup> Floor Tower Life Building  
San Antonio, TX 78205  
**ATTORNEYS FOR PLAINTIFF**

/s/ J. Michael Myers  
J. Michael Myers